

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 315 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

RAMESH SURENDRABHAI SHARMA

Versus

JAYPRAKASH DWARKADHISH PANDEY

Appearance:

1. Appeal from Order No. 315 of 1996
MR PARESH M DAVE for Petitioner No. 1
MR VIJAY H PATEL for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 16/10/2001

ORAL JUDGEMENT

Against the impugned order dated 2.4.1996 passed by the learned Trial Judge below Exs. 5 and 6 in Civil Suit No.1626/96 this appeal is filed. This appeal was

straightaway admitted on 18.6.1996. On Civil Application No.5040/96 filed in this appeal, while issuing Rule on 18.7.1996 making it returnable on 12.8.1996, by way of ad-interim relief respondent was directed to maintain status quo qua the suit premises. The said interim relief was confirmed after by-parte hearing on 21.8.1996 and the Civil Application was accordingly disposed of. Thus, there is interim order of status quo operating in the matter since last more than 5 years.

Considering the peculiar facts and circumstances of the case, both the learned counsel for the parties agreed that this appeal be disposed of without going into the legality and validity of the impugned order passed by the learned Trial Court with a direction to the learned Trial Judge to decide the Regular Civil Suit No.1626/96 as early as possible and till then the interim order of status quo granted on Civil Application No.5039/96 may continue.

Accordingly, this appeal is disposed of with a direction to the learned Trial Court to decide the Civil Suit No.1626/96 as early as possible and not later than 31.12.2002 and till then the interim order of status quo granted earlier on Civil Application 5039/96 shall continue.

(B.J.Shethna, J.)

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